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Robert O. Banker

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/692,920

**Applicant(s)**

BANKER ET AL.

**Examiner**

Scott Beliveau

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 16-18, 21-23, 25-27, 32, 34, 35 and 38-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 16-18, 21-23, 25-27, 32, 34, 35 and 38-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. In particular, the later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The earlier 09/590,488 application illustrates an “indexing function” in Figure 8C, however it is silent with respect to any of the claimed specifics as to the particular usage of the illustrated function.
2. Applicant’s claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-5, 16-18, 21-23, 25-27, 32, 34, 35, and 38-59 of this application. The provisional application briefly discloses the ability to index listings with left and right arrows by selectable categories such as year or rating (Page 8). However, the brief disclosure fails to adequately disclose the claimed invention set forth in the amended claims. For example, the earlier filing is silent as to the limitations of “configuring each index in a plurality of user-selectable indices according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles” (Claim 1),

“determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values” (Claims 2 and 52), “enabling a plurality of user-selectable indices for indexing displayed media titles, each user-selectable index corresponding to a range of time and according to a threshold defining a predetermined number of media titles” (Claim 17), and “configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each range of values being determined according to a threshold defining a predetermined number of media titles” (Claim 59). Accordingly, the instant application shall be examined on the basis of its filing date or 20 October 2000.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 16-18, 21-23, 25-27, 32, 34, 35, and 38-59 have been considered but are moot in view of the new ground(s) of rejection in order to address the amended claim limitations.

Applicant's argue that the combination of references and in particular the Eick reference fails to teach the method for providing does so ‘. . . without presenting an additional index that was not previously presented prior to selection of the first user selectable index’. In support applicants argue that a given classification in Eick may correspond to other classifications as illustrated in Figures 19 and 20 wherein the classification “N” may also correspond to the classification “NO”.

As an initial matter, it is respectfully noted that Figure 23 of LaJoie et al. reads on the amended limitation given that the particular selection of a “first user-selectable index” (ex. “C”) serves to “provide at least a portion of the media titles corresponding to the first user-selectable index and without presenting an additional index that was not previously presented prior to the selection of the first user-selectable index” as illustrated.

In regards to Eick, the system also does not necessarily operate to provide a subsequent index. As illustrated, in Figures 21-22 and further supported in the application code (Col 97-98 – ‘redo the list to have just leaves in it’), the system anticipates functioning such that the particular selection of a given index “provides at least a portion of the media titles correspond to the first user-selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index”. In fact, if the illustrations of Figures 20-22 used the code in the appendix consistent with the remainder of the illustrations (MAXDISPLAY = 6), the selection of the index “N” would in fact only display media titles and not the additional index “NO” in Figure 21. Consequently, Eick is also believed to meet the amended claims.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1-5, 32, 34, 35, 38-45, 52-55, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Eick et al. (US Pat No. 5,812,124).

In consideration of claim 1, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring a display order of the media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26). The system “configures [a] plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index” such that “selection of any one of the user-selectable indices automatically provides the media titles corresponding to the selected index”. Upon “receiving selection of

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a first user-selectable index” (ex. Letter) wherein “the selection [is] a triggering event to provide at least a portion of the media titles corresponding to the first user selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index”, the system subsequently “provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index” (Figures 22-23; Col 28, Lines 16-49).

The reference, however, is silent with respect to “configuring each index . . . according to a respective first range of values” (ex. the range may correspond to all individual letters for which a television program exists {A-Z}, or all titles that start with just N {N\* or N – Nzzz . . .}, or titles all titles that start with a particular letter combination {NO, NO\*, or NO – Nozzzz . . .} ) “ . . . being determined according to a threshold defining a predetermined number of media titles” wherein “each user-selectable index corresponds directly to the media titles in the received media information [is] determined by the respective first range of values of the media information parameter corresponding to the user-selectable index such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index . . . ” as claimed. In an analogous art pertaining to the display of program guide information, the Eick et al. reference “presents, to the user . . . selectable indices in an interactive media guide display, [wherein] each of the user selectable indices [is] configured to provide . . . media titles according to [a] threshold defining a predetermined number of media titles” (Figures 17-21). The method involves “configuring each index . . . according to a respective first range of values . . . being determined according to a threshold defining a predetermined number of media titles” wherein “each user-

selectable index corresponding directly to the media titles in the received media information [is] determined by the respective first range of values of the media information parameter corresponding to the user-selectable index such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index". The 'selectable indices' are subsequently "presented to the user" as aforementioned whereupon "receiving a selection of a first user-selectable index [serves as] a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – "Select form code"). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to "configure[e] each index in a plurality of user-selectable indices according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles", to "configure the plurality of user-selectable indices for indexing the media titles in the display order, [wherein] each user-selectable index corresponding directly to the media titles in the received media information determined by the respective first range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index . . . " and to "present, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles" for the purpose



of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

In consideration of claim 2, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and also “according to a portion of the received media information corresponding to a user-selected category” such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to secondarily or to “provide simultaneously in the display order” a sort by Title – Theme – Letter in order to allow the user to operate the set-top terminal easily and to navigate through the abundance of programs and services available in the cable television system.

LaJoie enables the user to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the “interactive media guide” (Figures 21-23) is “configured with the plurality of user-selectable indices for indexing the media titles in the display order” and is “presented . . . having a plurality of indexing prompts, each of the indexing prompts directly corresponding

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to one and only one user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index". For example, as illustrated in Figure 22, the 'prompt' only enables the selection of a single indexing parameter (ex. Letter – 'C') and its selection provides titles corresponding to the selected letter as shown. The system subsequently "receives a first user input indicating selection of a first user-selectable index" (ex. Letter) wherein "the selection [is] a triggering event to provide at least a portion of the media titles corresponding to the first user selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index" and "responsive to the first user input, [the system] provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category" (Figures 22-23; Col 28, Lines 16-49).

The reference, however, is silent with respect to "determining a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values". In an analogous art pertaining to the display of program guide information, the Eick et al. reference discloses "determining a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – "Select form code"). Accordingly,

it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to “determine[e] a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, each range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values” for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

In consideration of claim 52, the LaJoie et al. reference discloses a “media services client device for providing media to a user” [6] comprising a “processor” [30] and “memory for storing media information . . . corresponding to a plurality of respective accessible media” [32] that are received via a server [15]. The “processor” is subsequently configured to “cause a display order of media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and “according to a portion of the received media information” as defined by a “user-selected category” such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of the program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to secondarily or “provide simultaneously in the first display order” a sort by Title – Letter to allow user to easily operate the set-top terminal and to navigate through the abundance of programs and services available in the cable television system. Accordingly, the reference enables the user

to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the “interactive media guide” (Figures 21-23) is “enabled . . . with the plurality of user-selectable indices for indexing the media titles in the display order” that is “presented . . . having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one user-selectable indices, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index”. For example, as illustrated in Figure 22, the ‘prompt’ only enables the selection of a single indexing parameter (ex. Letter – ‘C’). The system subsequently “receives a first user input identifying a first indexing prompt” (ex. Letter) “corresponding to a first user-selectable index” and “directly responsive to the first user input, [the system] provides simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category, wherein the at least a portion of the media titles are displayed without presenting an additional index that was not previously presented prior to selection of the first user-selectable index” (Figures 22-23; Col 28, Lines 16-49).

The reference, however, is silent with respect to “determining a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values”. In an analogous art pertaining to the display of program guide information, the Eick et al. reference discloses “determining a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, [wherein] the first range of values [is] determined according to the number of media titles in the portion of

the received media information corresponding to the respective range of values” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to “determine[e] a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values” for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Claims 3 and 39 are rejected wherein the “range of values defining each user-selectable index is selected from a group consisting of: an alphanumeric character [and] a plurality of alphanumeric characters” (Eick et al.: Figures 16-22).

Claims 4 and 40 is rejected wherein the “media information parameter is selected from the group consisting of title name . . .” (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 5 and 41 are rejected wherein the method/system comprises “receiving user input identifying a media information parameter” such as Title - Letter for “indexing the media titles” (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 32 and 34 are rejected in light of the aforementioned wherein the system “receives user input identifying the first user-selectable index” wherein “user input is

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initiated by the user pressing an arrow button on a remote control” (LaJoie et al.: Col 28, Lines 16-26).

Claim 35 is rejected wherein Figures 17-23 of LaJoie et al. illustrate that the “interactive media guide includes a plurality of indexing prompts and a plurality of media titles”.

Claim 38 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with “user input designating . . . [a] media title to be highlighted” is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. “CBS Sports Special) and returning to and selecting or highlighting another program (Ex. “Extreme Skiing”), the system would subsequently, “[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to be highlighted” upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

Claim 43 is rejected wherein the “each respective range of values is further determined according to a first threshold defining a “first range of values defining the first user-selectable index is an alphanumeric character” (ex. “N”) and a “second range of values defining a second user-selectable index is at least two alphanumeric characters” (ex. “N\*”) or all titles up to the established threshold (MAXDISPLAY = 6) in the set defined by {N – Nzzz . . . } (Eick et al.: Figures 18-20).

Claims 44, 45, and 55 are rejected wherein the “first range of values defining the first user-selectable index is an alphanumeric character” (ex. “N”) and a “second range of values defining a second user-selectable index is at least two [or a plurality of] alphanumeric characters” (ex. “N\*”) or all titles up to the established threshold (MAXDISPLAY = 6) in the set defined by {N – Nzzz . . .} (Eick et al.: Figures 18-20).

Claims 53 and 54 are rejected in light of the aforementioned wherein the “portion of the received media information corresponds to a user-selected category” wherein the “user-selected category corresponds to the media titles in the received media information corresponding to all the movies in the media information” (LaJoie et al.: Figure 20).

Claim 57 is rejected in light of the aforementioned wherein the LaJoie et al. reference teaches that the “media titles are ordered based on both the user-selected category and the first user-selectable media” (Ex. Title – Theme – Letter).

Claim 58 is rejected wherein the “first user-selectable index and a first media title associated with said first user-selectable index are highlighted” (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 59, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring a display order of the media titles in the received media information according to the value of a media information parameter” such as Title alphabetically by Letter (Col 27, Line 64 – Col 28, Line 26). The system “configures [a]

plurality of user-selectable indices for indexing the media titles according to the display order” (Titles alphabetically by Letter) and “according to a respective range of values of the media information parameter” (ex. Letters), “configures the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index” and “directly responsive to a user selecting a first user-selectable index” (ex. Letter), the system subsequently “provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index, wherein the at least a portion of the media titles are displayed without presenting an additional index that was not previously presented prior to selection of the first user-selectable index” (Figures 22-23; Col 28, Lines 16-49).

The reference, however, is silent with respect to “configuring each index . . . according to a respective range of values” (ex. the range may correspond to all individual letters for which a television program exists {A-Z}, or all titles that start with just N {N\* or N – Nzzz . . .}, or titles all titles that start with a particular letter combination {NO, NO\*, or NO – Nozzzz . . .} ) “ . . . being determined according to a threshold defining a predetermined number of media titles”. In an analogous art related art pertaining to the display of program guide information, the Eick et al. reference discloses “configuring each index in a plurality of user-selectable indices according to the display order” (ex. Titles alphabetically by Letter) and “according to a respective range of values of the media information parameter . . . being determined



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according to a threshold defining a predetermined number of media titles” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to “configuring each index . . . according to a respective range of values being determined according to a threshold defining a predetermined number of media titles” for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

7. Claims 16 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Knudson et al. (US Pub No. US 2005/02024387)

In consideration of claims 16 and 48, the LaJoie et al. reference discloses that the media guide and associated functionality is provided to cable subscribers. The reference, however, does not explicitly that cable subscribers are “charged a fee in connection with the provision of indexing functionality” associated with being allowed to access the cable provider’s network/services. In an analogous art pertaining to the display of program guide information, the Knudson et al. reference provides evidence that cable subscribers are “charged a fee in connection with” access to interactive services including those associated with interactive media guides whereupon lack of payment disables access to those services (Figure 105; Para. [0211]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to “charge the user a fee in connection with

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the provision of indexing functionality” for the purpose of charging subscribers usage fees in order for service providers to re-coup costs and profit from providing cable services.

8. Claims 17, 18, 21-23, 25-27, 46, 47, 49, 50, 51, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Young et al. (US Pat No. 5,808,608).

In consideration of claim 17, as aforementioned, the LaJoie et al. reference discloses a “media services client device for providing media to a user” [6] comprising a “processor” [30] and “memory for storing media information . . . corresponding to a plurality of respective accessible media” [32] that are received via a server [15]. The reference teaches that the system is operable to “cause a display order of media titles in the received media information” based on a number of criteria (Title – Theme, Title – Letter, etc.), to “enable a plurality of user-selectable indices for indexing displayed media titles wherein each user-selectable index directly corresponds to a range of time” associated with the underlying programs (ex. “Casablanca” was released in 1942 and is scheduled to be broadcast on 9/20 at 12:00 PM and the “CBS Sports Special” is construed as being associated with a different year such as 1996 and a different broadcast time). The system subsequently, “determines the media titles in the received media information corresponding to each-user selectable index” (ex. Title – Letter) (Figures 20-23).

The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to “determine the media titles in the received media information

corresponding to each user-selectable index and a user-selected category; . . . [and] directly responsive to a user input, to provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display without presenting an additional index that was not previously presented prior to selection of the first user-selectable index” (Figures 22-23; Col 28, Lines 16-49) in order to allow the user to easily operate the set-top terminal and to navigate through the abundance of programs and services available within a given category of programming in the cable television system. The modification would enable the user to sort/filter based upon Title – Theme – Letter.

While the reference discloses the usage of a “plurality of user-selectable indices”, it is silent with respect to doing so “according to a threshold defining a predetermined number of media titles”. In an analogous art pertaining to the display of program guide information, the Eick et al. reference “enables a plurality of user-selectable indices for indexing displayed media titles, each user selectable index corresponding to a range of time and according to a threshold defining a predetermined number of media titles” and “presents, to the user . . . selectable indices in an interactive media guide display, [wherein] each of the user selectable indices [is] configured to provide . . . media titles according to [a] threshold defining a predetermined number of media titles, directly in response to selection of one of the selectable indices” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to “enable a plurality of user-selectable indexes for indexing displayed media titles, each user-selectable index

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directly corresponding to a range of time and according to a threshold defining a predetermined number of media titles; [and] presenting, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles, directly in response to selection of one of the selectable indices” for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

With respect to the limitation that the system further “causes a display order of the media titles in the received media information according to the value of the release year of the media” wherein the aforementioned “display order” is subsequently utilized “responsive to a user input”, as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media, however, the reference does not explicitly disclose the ordering of a display “according to the value of the release year of the media”. In an analogous art pertaining to the display of program guide information, the Young et al. reference discloses providing user selectable indices which utilize the “value of the release year of the media” in accordance with “causing a display order of the media titles in the received media information according to the value of the release year of the media” (Young et al.: Col 13, Line 60 – Col 15, Line 23). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al., as suggested, to utilize other program characteristics in

connection with indexing program titles including the utilization of the “value of the release year of the media” as an user-selectable index and the further “causing [of] a display order of the media titles in the received media information according to the value of the release year of the media” as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Claim 18 is rejected in light of the aforementioned wherein “only media titles belonging to a sub-list of media titles”, or those corresponding to the user-selected index or category is “presented to the user” in light of the combined references (LaJoie et al.: Col 6, Lines 29-46).

Claims 21 and 23 are rejected in light of the aforementioned wherein the system “receives user input identifying the first user-selectable index” wherein “user input is initiated by the user pressing an arrow button on a remote control” (LaJoie et al.: Col 28, Lines 16-26).

Claim 22 is rejected wherein the “media titles are ordered based on the user-selected category and the first user-selectable index” in light of the combined references (LaJoie et al.: Col 27, Lines 24-28).

Claim 25 is rejected wherein the “first user-selectable index and a first media title associated with said first user-selectable index are highlighted” (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 26, the LaJoie et al. reference sets forth that a media title may be highlighted in response or subsequent to the user designating that particular user

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selectable index (Col 28, Lines 16-39). Accordingly, the reference meets the limitation “wherein a second media title associated with a second user-selectable index is highlighted in response to the client device receiving user input designating said second user-selectable index to be highlight” in connection with the user selecting a program and index other than an established default.

Claim 27 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with “user input designating . . . [a] media title to be highlighted” is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. “CBS Sports Special) and returning to and selecting or highlighting another program (Ex. “Extreme Skiing”), the system would subsequently, “[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to be highlighted” upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

In consideration of claims 46, 47, and 56, the combination of LaJoie et al. and Eick et al. is silent with respect to the “media information parameter corresponding to a media release year . . . “ as recited in the claims. However, as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media. The Young et al. reference discloses utilizing a “media information parameter

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corresponding to a media release year, the first range of values defining the first user-selectable index is a year, and a second range of values defining a second user-selectable index is a plurality of years” (Young et al.: Col 13, Line 60 – Col 15, Line 23).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al., as suggested, to utilize other program characteristics in connection with indexing program titles including the utilization of the “value of the release year of the media” as an user-selectable index as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57). Furthermore, it would have subsequently have been obvious to utilize other data, as suggested in the source code, such the aforementioned media release year in accordance with the teachings of Eick et al. for added flexibility in connection with providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Claim 49 is rejected in light of the aforementioned wherein the “user-selected category corresponds to the media titles in the received media information corresponding to all the movies in the media information” (LaJoie et al.: Figure 20).

In consideration of claim 50, the “user-selected category corresponds a portion of the media titles in the received media information corresponding to one from . . . drama” as in the case of the designation of the user-selected category “Movie” which corresponds to media titles such as Movie/Drama entitled “Casablanca” (LaJoie: Figure 22).

Claim 51 is rejected wherein a “first range of values corresponding to the first user-selectable index is a year, and a second range of values corresponding to a second user-selectable index is a plurality of years” (Young et al.: Col 14, Lines 56-64).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Scott Beliveau  
Primary Examiner  
Art Unit 2623

SEB  
June 9, 2007